

## REMARKS

Claims 1, 3, 5 and 8-13 are currently pending in the present application. Claim 1 is amended. Claims 4 and 6 are cancelled. New claims 14 and 15 are added. No new matter is presented. Applicant thanks the Examiner for the interview conducted on February 24, 2005. In the Interview, amended claim 1 was discussed. The Examiner in the interview agreed that claim 1, as amended, overcomes the applied references. Thus, in view of the above amendments and the following remarks, Applicant requests the consideration and allowance of claims 1, 3, 5, and 8-15.

The Examiner objected to the specification for containing informalities. Specifically, the Examiner indicated that an element is referred to by two different reference numbers. The Specification is amended to overcome this objection. Therefore, Applicant requests the withdrawal of the objection to the specification.

Claim 1, 3-6, and 8-10 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Neuman et al. (U.S. Patent 5,642,426) in view of Myers et al. (U.S. Patent No. 5,751,825). The Office Action takes the position that Neuman teaches or suggests all the features recited in claims 1, 3-6 and 8-10. Applicant respectfully disagrees.

Claim 1 recites a circuit housing having an electrical circuit for a headset, such as for a chin loop headset. The circuit housing comprises an axis member mounted in the housing and a front cover that is rotatable about the axis member wherein rotating the cover actuates the electrical circuit for controlling the volume, and the entire cover is transmissive for infrared rays.

Neuman discloses a hearing device with a housing 11. The housing 11 encloses the necessary electronics for converting IR or FM signals into audio signals. Neuman further discloses that a front wall 17 of the base housing 11 is apertured in front of a position occupied by the infrared or FM radio receiver 14 so as to enable the latter to be exposed to source of radiant energy. (See Column 3, Lines 50-55).

Myers discloses a combination electronic metronome and headphone unit. In particular, Myers discloses a headband 12 attached to support brackets 14A and 14B. The brackets are attached to a set of earcup assemblies by a set of adjusting hinges. The earcup contains a tempo adjustment knob, an on/off switch, and a volume control knob. A light indicator is also mounted to the earcup assembly.

The combination of the cited references fails to teach or suggest all the features recited in claim 1. In particular, the cited references fail to teach or suggest that the entire cover is transmissive for infrared rays. In the present invention, the entire cover can be transmissive for infrared rays, thereby, avoiding the requirement of providing a window for infrared signal transmission if the circuit is equipped with infrared transmitter/receiver for signal transmission. (See Specification, Page 4 Lines 11-14). Neuman merely discloses a “window” or aperture that is provided in a front position occupied by the infrared or FM radio receiver. Therefore, Neuman fails to teach or suggest the feature of the entire cover being transmissive for infrared rays. Myers fails to cure this deficiency. Thus, neither Neuman nor Myers teaches either in combination or alone teach all the features recited in claim 1. Accordingly, Applicant requests the withdrawal of the rejection of claim 1 under 35 U.S.C. 103(a).

Claims 3, 5 and 8-10 are dependent upon claim 1. Therefore, Applicant submits that for at least the reasons mentioned above, claims 3, 5, 6, and 8-10 likewise recite subject matter that is neither taught nor suggested by Neuman. Applicant requests the withdrawal of the rejection of claims 3, 5, 6, and 8-10 under 35 U.S.C. 103(a).

Claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Neuman in view of Myers and further in view of Such (U.S. Patent No. 5,457,751). The Examiner takes the position that the combination of Neuman, Myers and Such teach or suggest all the features recited in claim 11 and 12. Applicant respectfully disagrees.

Such is directed to a headset framework device designed to be worn around the back of the head and supported by the ears of the user. However, Such does not teach or suggest that the entire cover is transmissive to infrared rays, as recited in claim 1.

The cited references fail to teach or suggest all the features recited in claim 1. Claims 11 and 12 are dependent upon claim 1. Therefore, it is submitted that claims 11 and 12, for at least the reasons mentioned above, recite patentable subject matter. In particular, Such fails to teach or suggest the feature of the entire cover being transmissive to the infrared rays. Accordingly, Applicant requests the withdrawal of the rejection of claims 11 and 12 under 35 U.S.C. 103(a).

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Neuman in view of Myers and in further view of Dascal et al. (U.S. Patent No. 3,902,120). The Examiner takes the position that the combination of Neuman, Myers and Dascal teach or suggest all the features recited in claim 13. Applicant respectfully disagrees.

Dascal is directed to a combined stereo headphone and monaural radio receiver. Dascal discloses a stereo input jack 42 having a switch mounted and connected to the enclosure 32 by screws.

Claim 13 is dependent upon claim 1. It is submitted that Dascal fails to cure the deficiencies of Neuman and Myers. Specifically, the cited references fail to teach or suggest that the entire cover is transmissive to infrared rays, as recited in claim 1. Since claim 13 is dependent upon claim 1, it is submitted that claim 13 for at least this reason recites patentable subject matter. Therefore, Applicant requests the withdrawal of the rejection of claim 13 under 35 U.S.C. 103(a).

Claims 14 and 15 have been added. No new matter is presented. Independent claim 14 recites features of claim 1 and claim 6. Claim 15 recites features of claim 1 and allowable claim 4. In view of the above distinctions, Applicant requests the favorable consideration and allowance of claims 14 and 15.

All of the stated grounds of rejection have been properly traversed, addressed, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

REED SMITH, LLP

By:   
Gerald H. Kiel  
Reg. No. 25,116

599 Lexington Avenue  
29<sup>th</sup> Floor  
New York, NY 10022  
Telephone No.: 212-521-5400  
Facsimile No.: 212-521-5450